

Green concerns over Metro Phase-4 work

25 August 2020



Figure 1 Metro trains are parked at DMRC depot in Delhi. Inspections conducted by forest department officials between February 25 and July 28 showed that six fully grown trees on the stretch were illegally uprooted or over-pruned during construction. (PTI/ Representative image)

Delhi Metro Rail Corporation (DMRC) has run into a conflict with the city-state's forest department over suspected violations of guidelines that don't permit construction on deemed forest land and for damaging trees during work on the Janakpuri-RK Ashram corridor in Phase 4, and has been issued orders to stop work at least twice between February and August and, most recently, August 7.

This includes the area around the Najafgarh drain, which is a birding hotspot frequented by thousands of migratory birds.

Once classified as forest land, trees on the stretch cannot be cut or pruned for construction unless the required permissions are sought from the Union ministry of environment, forest and climate change under the Forest Conservation Act, 1980.

Such work also requires the usual permissions under the Delhi Preservation of Trees Act, 1994.

Documents accessed by Hindustan Times show that DMRC, which began preliminary work on the 17-km stretch in December, was slapped with two notices on February 28 and August 7 by the Delhi forest department for damaging and pruning trees without obtaining permissions from the department and was ordered to stop work on the stretch. It also filed a violation report on August 18 with the Union ministry of environment and forest and chief conservator of forests, Delhi government, accusing DMRC of causing severe damage to trees, disturbing the ecology of the area and for continuing work on the stretch without permissions despite warnings.

'DAMAGE TO TREES, ECOLOGY'

- The DMRC was issued two notices by the Delhi forest department on February 28 and August 7 for damaging and pruning trees without obtaining permissions from the department and was ordered to stop work on the 17-km Janakpuri-RK Ashram Marg corridor
- DMRC said that 2,958 trees are proposed to be cut between Krishna Park and Mukarba Chowk for the construction of the corridor
- Forest department records show that a portion of Road Number 26, where the Metro construction activity is currently ongoing, has been



categorised as "deemed forest land" by the government.

- In a statement, DMRC said that it has not damaged any tree on the Vikaspuri- Madhuban Chowk road

"The officials of this division have inspected the site, and it has been reported that one tree has been completely felled due to excavation work in Keshopur district park, and roots of a few other trees in the project area have been found damaged due to digging work. In addition, many trees have been covered by barricading and the area around the Najafgarh drain has been filled with soil," said the first restraining order issued by the deputy conservator (west division) on February 28.

The order added, "...you (DMRC) are directed to cease all digging work near trees and take necessary steps to save trees by putting soil on the roots exposed by digging and excavation work...The portion of the Najafgarh drain coming in the alignment is a site of plantation done by the IFCD (Irrigation and Flood Control Department) and GNCTD (Government of the National Capital Territory of Delhi), so you are also directed to cease all construction activity on the drain area until necessary approval."

Delhi environment minister Gopal Rai did not comment on the matter.

Paying no heed

Despite the order to cease work, DMRC has continued to work on the stretch.

In a response to HT's email queries, DMRC said that 2,958 trees are proposed to be cut between Krishna Park and Mukarba Chowk for the construction of the corridor.

Hindustan Times visited the construction site at least five times between February and August and found that the DMRC has continued construction on the stretch despite the restraining orders.

Another notice was issued to the DMRC on August 7 by the office of the Deputy Conservator of Forests (west), which stated that damage to trees continued on the stretch because digging work was under way despite the lack of permissions. Inspections conducted by forest department officials between February 25 and July 28 showed that six fully grown trees on the stretch were illegally uprooted or over-pruned during construction.

The digging and construction work, leading to the tree damage, continues even though senior forest department officials have confirmed that DMRC, as of August 13, was yet to submit a permission request for tree felling or transplantation on the Janakpuri-RK Ashram corridor .

“I am yet to receive the permission request by the DMRC for the Janakpuri-RK Ashram stretch. If there are any violations then strictest of actions will be taken,” said Ishwar Singh, principal chief conservator of forests.

DCF (west) S K Muan Guite said that the most recent reminder to stop construction work was issued to the DMRC in a meeting on August 14.

“They have been intimated several times in various notices and restraining orders that the area is a deemed forest and they cannot carry out any construction work here till they obtain necessary permissions from the MoEF {ministry of environment and forest} to divert the land for the project . My staff inspected the site and told DMRC officials to stop the work despite which it has come to my notice that work is still going on,” Guite said.

Records maintained by the forest department show that a portion of Road Number 26, where the Metro construction activity is currently ongoing and which spans nearly 5.3 kms in length, has been categorised as “deemed forest land” by the government.

DMRC, however, said that the exact location of the deemed forest land “could not be established by the forest department”.

Guite said the identification of the deemed forest was carried out using satellite imagery in 2002 and the DMRC was informed of it.

In Delhi’s context, a deemed forest is one which is spread across an area of at least 1 hectare and the number of trees per hectare is 250 or above. If both conditions are fulfilled simultaneously, the area is considered a deemed forest.

Police complaint

He added that since the matter falls under the purview of the Forest Conservation Act, 1980, which comes under the jurisdiction of the MoEF, the department does not have the authority to book a case. “In this case, I have submitted a report of the violations to the state headquarters a few days ago. The chief conservator of forests (CCF), who is the nodal officer {for FCA,1980}, may report the violations to the MoEF,” Guite said.

He added that a complaint was also sent to the local police station.

Responding to the allegations, DMRC, in its statement, said that the preliminary work on the stretch was initiated on permissions from the Public Works Department (PWD). The corporation claimed that their work is ongoing in sections where “there are no trees”.

“Work at the location where trees are there shall be taken up only after permission from Forest Department for which application had already been sent on April 2018 and subsequently in September 2019. The tree cutting permission from forest department is awaited,” DMRC said in the statement.

In the response, it also claimed: “DMRC has not damaged any tree on the Vikaspuri- Madhuban Chowk road”.

“Tree protection measures are being taken by DMRC’s contractor at work site and the existing trees are protected with the help of fencing with green garden net as per the suitability. Further, many other utility owning agencies are also working / digging on ROW (right of way) for their respective utilities,” it added, passing the buck for the damage. .

Ravi Agarwal, founder of environmental NGO Toxics Link and a former member of the Ridge Management Board (RMB), said DCF has the authority to stop work and take legal action against DMRC for continuing work despite warnings.

“The DCF has the power to stop work in his area, if a construction agency is not following the due procedure or is working on deemed forest land without the necessary permission. In the past, we haven’t come across instances of the DMRC ignoring the procedure, but if it is happening here then it is very much in the jurisdiction of the concerned officer to get the work stopped and report to the CCF (chief conservator of forests) for legal action,” said Agarwal.

Source: <https://www.hindustantimes.com/india-news/green-concerns-over-metro-phase-4-work/story-QShNJyT6MnEoziE6DVqLil.html>